Remarks

Upon entry of the above Amendment, claims 1-17 are pending. Claims 1, 4, 8, 11, and 15 have been amended. No claims have been cancelled and no new claims have been added. Applicants believe that no new matter has been added. In view of the foregoing amendments and following remarks, allowance of the pending claims is requested.

Specification

In response to a request by the Examiner, and in accordance with 37 CFR 1.125 a Substitute Specification is hereby filed. Applicants submit that any changes to the Specification provided by the Substitute Specification do not constitute the addition of new matter, as support for the instant amendments is provided throughout the as-filed Specification, claims, and drawing figures. Accordingly, Applicants respectfully request that the Examiner approve the Substitute Specification.

Drawings

The one (1) attached sheet of drawings in APPENDIX A reflects an amendment to FIG. 3. Specifically, the modulator 317 was incorrectly identified in FIG. 3 as "modulator 316". This has been corrected in FIG. 3 to correspond to the reference used in the Specification.

Applicants submit that the changes to the drawing figures described above do not constitute the addition of new matter, as support for the instant amendments is provided throughout the as-filed Specification. Accordingly, Applicants respectfully request that the Examiner approve the changes to the drawing figures.

Claim Objections

The Examiner has objected to claims 1, 4, and 11. Applicants have amended the claims to overcome these objections. These amendments are provided solely for purposes of clarity, and do not alter the scope of the claimed invention.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 8 and 15 stand rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. The alleged lack of enablement was apparently due to a typographical error in the claims. Applicants have amended these claims to rectify this error.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 8 and 15 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being incomplete for omitting essential elements. The alleged omission was apparently due to a typographical error. Applicants have amended these claims to rectify this error.

Rejections Under 35 U.S.C. §103

Claims 1-6, and 11-13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,400,755 to Harris et al. ("Harris") in view of U.S. Patent No. 6,658,076 to Hayata ("Hayata"). Applicants traverse these rejections because neither Harris nor Hayata, alone or in combination with one another, teach or suggest all the features of the claimed invention.

As noted by the Examiner with regard to claim 1, Harris does not disclose "recognizing a change in the rate of data transmission when the signal points of

consecutively transmitted symbols are not correlated." In fact, as the Examiner correctly points out, Harris is completely silent with respect to signal points.

According to the Examiner, Hayata teaches the "use of correlation to determine an unknown symbol rate[]" as:

> Spread spectrum signals are transmitted at a symbol rate which is selected from a plurality of predetermined symbol rates so that the symbol rate selected for a given frame may differ from the rate used in another frame. No information is transmitted to receivers regarding the transmitted symbol rate. Rather, it is up to the receivers to determine the transmitted symbol rate. This mode of transmission is called blind-rate transmission.
>
> In the current blind-rate transmission where two symbol rates are used, the transmitted spread spectrum signal is correlated, at a receive site, with a PN code sequence that corresponds to the high symbol rate to produce a first despread signal and the despread signal is decoded and tested for error. If an error is detected, a second despread signal is produced corresponding to the lower symbol rate and decoded and tested again. If an error is detected again, an alarm is given. Since the transmitted symbol rate is unknown, the receiver would frequently attempt to repeat the decoding process whenever the transmitted symbol rate varies from ***one frame to another...*** **(see the Office Action beginning at page 5, line 7, citing col. 1 lines 17 – 50 of Hayata)(emphasis added by the Examiner).**

At best, this portion of Hayata merely teaches that a received signal may be correlated with two separate PN code sequences corresponding to two separate symbol rates. A signal produced by correlating the received signal with a PN code may be "decoded and tested for error" (see above). Therefore, Hayata suggests determining a symbol rate of the signal by correlating the signal with various PN code sequences. However, the cited portion of Hayata does not suggest correlating one symbol in a signal with a consecutively transmitted symbol of the same signal as set forth in the claim. Thus, Hayata does not disclose recognizing a change in the rate of data transmission when the signal points of consecutively transmitted symbols are not correlated.

Claims 2-4 and 11 include features similar to those discussed above with regard to claim 1. Thus, for at least the reasons set forth above, claims 2-4 and 11 are

patentable over the references relied upon by the Examiner. Claims 5, 6, and 8 depend from and add features to claim 4. For at least this reason, these dependent claims are also patentable over the references relied upon by the Examiner. Claims 12, 13, and 15 depend from and add features to claim 11. For at least this reason, these dependent claims are also patentable over the references relied upon by the Examiner.

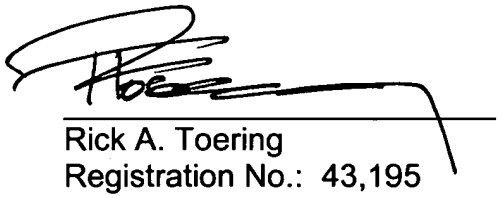
Conclusion

A full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: June 21, 2004

Respectfully submitted,



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